

Message Text

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PAGE 01 STATE 141159
ORIGIN ERDA-07

INFO OCT-01 NEA-10 ISO-00 L-03 OES-07 ACDA-10 AID-05
IO-14 CIAE-00 INR-07 NSAE-00 NSC-05 EB-07 NRC-07
FEAE-00 DODE-00 SS-15 SP-02 /100 R

DRAFTED BY USERDA/OGC;JGLASGOW:RJBETTAUER:AL
APPROVED BY L/OES:RJBETTAUER
USERDA/AIA/IRDP:SNCEJA (SUBS)
USERDA/AIA/IRDP:JVANDERRY (SUBS)
NEA/INS:ROBER (SUBS)
ACDA:RWILLIAMSON (SUBS)
OES/NET:DBHOYLE (SUBS)

-----171848Z 118455 /46

P 171754Z JUN 77
FM SECSTATE WASHDC
TO AMCONSUL BOMBAY PRIORITY
INFO AMEMBASSY NEW DELHI PRIORITY

UNCLAS STATE 141159

E.O. 11652: N/A

TAGS: TECH

SUBJECT: TARAPUR FUEL STORAGE

REF: (A) STATE 109391 (B) STATE 127451

1. AS NOTED PARA 9 REF A, SOME ADDITIONS TO PATENT AND
EXCHANGE OF INFORMATION CLAUSES OF AGREEMENT ITSELF ARE
CONTEMPLATED. ADDED LANGUAGE WILL FOLLOW SEPTTEL.

2. AS STATED REF B, WE ARE PROVIDING STATEMENT OF
AUTHORITY OF ERDA ASSISTANT ADMINISTRATOR FOR INTER-
NATIONAL AFFAIRS TO SIGN AGREEMENT. PLEASE DELIVER TO
APPROPRIATE GOI OFFICIALS AND URGE THAT GOI PROVIDE ITS
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STATEMENT ASAP. (AS INDICATED REF B, GOI STATEMENT,
WHICH MUST COVER INDEMNITY, WILL NOT BE STRICTLY PARALLEL.)

3. BEGIN TEXT: "MEMORANDUM REGARDING THE LEGAL AUTHORITY
FOR THE ASSISTANT ADMINISTRATOR FOR INTERNATIONAL AFFAIRS
OF THE ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

(ERDA) TO SIGN AN AGREEMENT CONCERNING A SPENT NUCLEAR FUEL STORAGE STUDY"

"UNDER THE PROPOSED AGREEMENT, ERDA WILL PERFORM,

IN COOPERATION WITH AGENCIES OF THE GOVERNMENT OF INDIA, RESEARCH INTO WAYS TO EXPAND THE CAPACITY OF A SPENT NUCLEAR FUEL STORAGE POND. THE ATOMIC ENERGY ACT OF 1954, AS AMENDED (42 U.S.C. SEC. 2011 ET SEQ.), AND THE ENERGY REORGANIZATION ACT OF 1974 (42 U.S.C. SEC. 5801 ET SEQ.) PROVIDE AUTHORITY FOR THE UNITED STATES ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION (ERDA) TO ENTER INTO SUCH AN AGREEMENT. FURTHER, THE LATTER ACT REQUIRES THE ADMINISTRATOR OF ERDA TO DELEGATE TO AN OFFICIAL RESPONSIBILITY FOR INTERNATIONAL COOPERATION, AND UNDER THE RELEVANT DELEGATION THE ASSISTANT ADMINISTRATOR OF ERDA FOR INTERNATIONAL AFFAIRS HAS SUCH RESPONSIBILITY. THIS OFFICIAL CONSEQUENTLY HAS AUTHORITY UNDER UNITED STATES LAW TO SIGN THE PROPOSED AGREEMENT.

"UNDER THE ATOMIC ENERGY ACT, AS AMENDED, THE UNITED STATES ATOMIC ENERGY COMMISSION IS AUTHORIZED TO FOSTER THE ACQUISITION OF THEORETICAL AND PRACTICAL KNOWLEDGE RELATING TO A BROAD RANGE OF NUCLEAR MATTERS, THROUGH ARRANGEMENTS, INCLUDING CONTRACTS AND AGREEMENTS, FOR THE CONDUCT OF RESEARCH AND DEVELOPMENT ACTIVITIES (42 U.S.C. SEC. 2051). IN ITS STATEMENT OF PURPOSES, THE ACT INDICATES THAT SUCH ACTIVITIES MAY BE CARRIED OUT INTERNATIONALLY IN CALLING FOR A PROGRAM OF INTER-UNCLASSIFIED

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NATIONAL COOPERATION TO MAKE AVAILABLE TO COOPERATING NATIONS THE BENEFITS OF THE PEACEFUL APPLICATIONS OF ATOMIC ENERGY AS WIDELY AS EXPANDING TECHNOLOGY AND CONSIDERATION OF THE COMMON DEFENSE AND SECURITY WILL PERMIT (42 U.S.C. SEC. 2013(E)). THE AGREEMENT IN QUESTION CONSTITUTES INTERNATIONAL COOPERATION ON MATTERS SPECIFIED IN 42 U.S.C. SEC. 2051.

"THE ENERGY REORGANIZATION ACT OF 1974 ABOLISHED THE ATOMIC ENERGY COMMISSION AND TRANSFERRED ALL OF ITS FUNCTIONS TO THE ADMINISTRATOR OF ERDA, EXCEPT AS OTHERWISE PROVIDED (42 U.S.C. SEC. 5814(A) AND (B)). MOREOVER, THE 1974 ACT FURTHER PROVIDES THAT THE ADMINISTRATOR OF ERDA HAS RESPONSIBILITY FOR THE CONDUCT OF RESEARCH AND DEVELOPMENT, INCLUDING THE DEMONSTRATION OF COMMERCIAL FEASIBILITY AND PRACTICAL APPLICATIONS OF THE UTILIZATION PHASES RELATED TO THE DEVELOPMENT AND USE OF NUCLEAR ENERGY (42 U.S.C. SEC. 5813(2)) AND FOR ENCOURAGING AND PARTICIPATING IN INTERNATIONAL COOPERA-

TION IN ENERGY AND RELATED RESEARCH AND DEVELOPMENT
(42 U.S.C. SEC. 5813(9)). THESE PROVISIONS BOTH STATE
ERDA'S SUCCESSORSHIP TO THE AEC'S ROLE IN PARTICIPATING
IN INTERNATIONAL CONTRACTING ACTIVITY OF THE TYPE EN-
VISAGED IN THE PROPOSED AGREEMENT AND PROVIDE INDEPENDENT
LEGAL AUTHORITY FOR ERDA TO ENTER INTO THE PROPOSED AGREE-

MENT.

'THE 1974 ACT REQUIRES THE ADMINISTRATOR OF ERDA TO
DELEGATE 'THE SPECIAL RESPONSIBILITY FOR INTERNATIONAL
COOPERATION IN ALL ENERGY AND RELATED ENVIRONMENTAL
RESEARCH AND DEVELOPMENT' TO ONE OF THE OFFICERS AP-
POINTED UNDER SECTION 102 OF THAT ACT (42 U.S.C. SEC. 5812
(H)). HE HAS DELEGATED THIS AUTHORITY TO THE ASSISTANT
ADMINISTRATOR FOR INTERNATIONAL AFFAIRS (ERDA IMMEDIATE
ACTION MEMORANDUM NUMBER 0151-18, JANUARY 21, 1976).
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(SIGNED)
RONALD J. BETTAUER
ACTING ASSISTANT LEGAL ADVISER FOR OCEANS,
INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC
AFFAIRS
DEPARTMENT OF STATE
WASHINGTON, D.C.
JUNE 16, 1977 "
END TEXT VANCE

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: STORAGE, NUCLEAR COOPERATION PROGRAMS, NUCLEAR FUELS
Control Number: n/a
Copy: SINGLE
Sent Date: 17-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE141159
Document Source: CORE
Document Unique ID: 00
Drafter: RJBETTAUER:AL
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770217-0386
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770644/aaaabmns.tel
Line Count: 149
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: abf1fb7a-c288-dd11-92da-001cc4696bcc
Office: ORIGIN ERDA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 109391, 77 STATE 127451
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 22-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
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Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2109297
Secure: OPEN
Status: NATIVE
Subject: TARAPUR FUEL STORAGE
TAGS: TECH, ENRG, PARM, IN
To: BOMBAY
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/abf1fb7a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
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